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TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. ~~422~~ 207

THE UNITED STATES, APPELLANTS,

vs.

CHARLES H. MANNING.

APPEAL FROM THE COURT OF CLAIMS.

FILED DECEMBER 19, 1870.

SUPREME COURT OF THE UNITED STATES.

No. 422.

THE UNITED STATES, APPELLANTS,

vs.

CHARLES H. MANNING.

APPEAL FROM THE COURT OF CLAIMS.

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1 *Petition.*

In the United States Court of Claims.

CHA'S H. MANNING
vs.
THE UNITED STATES. } 3810.

To the honorable the Court of Claims of the United States:

The petition of Cha's H. Manning, of the city of Washington, in the District of Columbia, respectfully represents that, on the thirtieth day of June, A. D. 1866, and for a long time previous thereto, he was employed by the Government of the United States as one of the guards of the jail in the said city of Washington, at the agreed sum and price of one hundred dollars per month, and that he continued in the employ of the said Government of the United States until the thirtieth day of June, 1867, at said jail, and receiving from the said Government of the United States the aforesaid sum of one hundred dollars per month as a compensation for said services, which was regularly paid to him by J. R. Goodwin, disbursing officer of the Interior Department, and that he thereby became and was an employee in the Interior Department, in the city of Washington aforesaid.

2 Your petitioner further represents that the Congress of the United States did, at the second session of the Thirty-ninth Congress, pass a joint resolution giving additional compensation to certain employees in the civil service of the United States, which joint resolution was approved by the President of the United States on the 28th day of February, 1867, and is in the words and figures following to wit:

"That there shall be allowed and paid out of any money in the Treasury not otherwise appropriated, to the following-described persons now employed in the civil service of the United States, at Washington, as follows: To civil officers and temporary and all other clerks, messengers, and watchmen, including enlisted men detailed as such, to be computed upon the gross amount of the compensation received by them; and employees, male and female, in the Executive Mansion, and in any of the following-named Departments, or any Bureau or division thereof, to wit: State, Treasury, War, Navy, Interior, Post Office, Attorney General's, Agricultural, and including civil officers and temporary and all other clerks and employees, male and female, in the office of the Coast Survey, Naval Observatory, Navy Yard, Arsenal, Paymaster General, including the division of referred claims, Commissary General of Prisoners, Bureau of Refugees, Freedmen, and Abandoned Lands, Quartermaster's, Capitol and Treasury Extension, City Post Office, and Commissioner of Public Buildings; to the photographer of the Treasury Department, to the superintendent of meters, and to lamp-lighters under the Commissioner of Public Buildings—an additional compensation of twenty per centum on their respective salaries as fixed by law; or, where no salary is fixed by law, upon their pay, respectively, for one year from and after the 30th day of June, 1866; but when any of said persons is or shall be only entitled to receive salary or pay for a part of said year, the said twenty per centum shall be computed on the amount such person is so entitled to receive for services in any or all of said departments or offices within said year: *Provided*, That the above-named additional compensation to the employees of the Patent Office, shall be paid out of the funds of said office: *Provided further*, That this

3 resolution shall not apply to persons whose salaries, as fixed by law, exceed three thousand five hundred dollars per annum."

And your petitioner further respectfully represents that, during the year commencing on the thirtieth day of June, A. D. 1866, and ending on the thirtieth day of June, A. D. 1867, the gross amount of compensation allowed and paid him by the Government was twelve hundred dollars.

That, by the terms of the foregoing joint resolution of Congress, the United States agreed to pay your petitioner the additional sum of twenty per centum on the aforesaid sum received by him as aforesaid, from the thirtieth day of June, 1866, to the thirtieth day of June, 1867.

Your petitioner further respectfully represents that, believing himself entitled to said additional compensation under said resolution, he made application to the proper officer of the Treasury Department having power to decide upon his application, to wit, the First Comptroller thereof, for payment of the same, but without success, that officer deciding that your petitioner did not come within the resolution above referred to.

Your petitioner further respectfully represents that he has at all times borne true and faithful allegiance to the Government of the United States, and that he has not in any way or manner voluntarily aided, abetted, or given encouragement to rebellion against it.

Your petitioner therefore prays judgment against the United States for the sum of two hundred and forty dollars, the amount of twenty per centum on said twelve hundred dollars compensation received by him as aforesaid.

J. DANIELS,
Attorney for Claimant, Washington, D. C.

4 DISTRICT OF COLUMBIA,
County of Washington, ss:

J. Daniels, being duly sworn, deposes and says that he is the attorney for the above-named claimant; that no assignment or transfer of said claim or any part thereof, or any interest therein, has been made, except as in said petition stated; that said claimant is justly entitled to the amount therein claimed from the United States, after allowing all just credits and offsets; and that deponent verily believes the facts stated in said petition are true.

J. DANIELS.

Sworn and subscribed to before me this 8th day of January, 1869.
[SEAL.] THO'S J. MYERS,
Notary Public.

5 In the Court of Claims of the United States.

CHA'S H. MANNING
vs.
THE UNITED STATES. } No. 3810.

Special plea for defendants.

And the said defendants, by their Attorney General, now come and, by leave of court, (as expressed in Rule IX,) say that the said claimant ought not further to maintain said action, because—

1. While the claim presented in this petition is such as is ordinarily settled in an Executive Department, the petition does not set forth the decision thereon of the proper Department of the Government to which application was (as is alleged) made for the payment of the claim. (Rule II.)

2. The petition does not set forth a full statement of the action, on the claim therein presented by a Department of the Government, as required by section 1 of the act of February 4, 1855.

3. The evidence in the case does not show that any such application has ever been made to any Department of the Government, whether with or without success, or any action whatever thereon, without which action this court has no lawful jurisdiction in this case.

And the said defendants pray judgment, &c.

THOMAS H. TALBOT,
Assistant Attorney General.

6 In the Court of Claims.

CHARLES H. MANNING } 3810.
vs.
THE UNITED STATES. }

And now, to wit, 23d of May, A. D. 1870, the court, upon due consideration of the premises, find in favor of the claimant, and do order, adjudge, and decree that the said Charles H. Manning have and recover of and from the United States the sum of two hundred and forty dollars and no cents, ($240 00.)

By the court:
A true copy of record.

7 In the Court of Claims, Dec. term, 1869.

CHARLES H. MANNING } 3810.
vs.
THE UNITED STATES. }

The defendants, by their Attorney General, come and move the court for the allowance of an appeal of this case to the Supreme Court of the United States on the ground that the judgment will affect a class of cases.

THOMAS H. TALBOT,
Ass't Att'y Gen'l.

Filed in the clerk's office Aug. 17, 1870.

AT CHAMBERS.

Ordered, That the appeal as prayed in this cause be allowed.
Oct. 31, 1870.

JOSEPH CASEY,
Ch. Justice.

8 In the Court of Claims of the U. S., December term, A. D. 1869.

I, Edward G. Loring, presiding judge of the Court of Claims, do hereby certify that the judgment rendered in the case of Charles H.

Manning vs. The United States, on the 23d day of May, 1870, affects a class of cases and furnishes a precedent for the future action of an Executive Department in the adjustment of such class of cases.

EDW. G. LORING.

9 In the United States Court of Claims.

CHA'S H. MANNING
vs.
THE UNITED STATES. } No. 3810.

The finding of facts, and the conclusions of law on said facts, on which the court founded its opinion:

This cause coming on to be heard the 23d day of May, 1870, before all of the judges of the Court of Claims, the said court finds, as matters of fact:

That the claimant was employed as watchman or guard at the jail in the city of Washington, D. C., and was so employed from the 30th day of June, 1866, to the 30th day of June, 1867, at a salary of $1,200 per year, paid to him monthly by the disbursing officer of the Department of the Interior.

That application was made to the First Comptroller of the Treasury for the additional compensation of 20 per centum on his salary, under joint resolution of Congress, approved Feb'y 28th, 1867, and that such compensation was refused.

That he was loyal to the Gov't of the U. S., and that he took the test oath or oath of allegiance.

10 That, on January 12th, 1869, he filed his petition claiming $240 to be due to him from the United States, by virtue of the joint resolution of Congress, approved February 28th, 1867.

By the court.

The defendants also requested the court to make the following findings, which request was refused:

That from July 18th, 1866, to June 30th, 1867, Charles H. Manning was employed in the city of Washington, as guard at the jail of the District of Columbia, at a compensation of $100 per month, paid to him by the disbursing officer of the Department of the Interior.

That he was appointed by the warden of said jail.

(Indorsed:) 3810. Cha's H. Manning vs. The United States.

11 In the Court of Claims.

CHARLES H. MANNING
vs.
THE UNITED STATES. } No. 3810.

I, John Randolph, assistant clerk of the Court of Claims do hereby certify that the foregoing are true transcripts of the pleadings in the above-entitled cause, and the final judgment of the court thereon; of the application of the Attorney General for the defendants for the allowance of an appeal, as filed in the clerk's office, Aug. 17, 1870, and of the order of the Chief Justice of said court, allowing the same; of the certificate of the pre-

siding judge; of the finding of facts on which the court founded its judgment, and of the findings proposed by defendants, which were denied by the court.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Washington, this seventeenth day of December, 1870.

[SEAL.]

JOHN RANDOLPH,
Ass't Clerk Court of Claims.

(Indorsement on cover:) No. 422. The United States, appellants, vs. Charles H. Manning. Court of Claims. Filed 19th December, 1870.

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